

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:  JOHN W. MACK, JR.,  Debtor,  CRESCENT BANK & TRUST,  Movant,  V.  JOHN W. MACK, JR., and SCOTT F. WATERMAN, Trustee, Respondents.	Bankruptcy No. 23-12016-amc  Chapter 13
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Crescent Bank & Trust (the “Movant”) by and through its undersigned counsel, Bernstein-Burkley, P.C., and in support of its Motion for Relief from the Automatic Stay & Co-Debtor Stay (the “Motion”), represents as follows:

THE PARTIES

1. Respondent, John W. Mack, Jr. (the “Debtor”), is an adult individual with a place of residence located at 122 Rosemont Avenue, Norristown, PA 19401.

2. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301(c) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about July 7, 2023, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code. 11 U.S.C. § 101, et seq.

6. On or about March 4, 2023, the Debtors purchased a 2020 Nissan Pathfinder, VIN# 5N1DR2AMXLC610636 (hereinafter the “Vehicle”), pursuant to a Retail Installment Sale Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

7. Movant has a secured interest in the 2020 Nissan Pathfinder, VIN# 5N1DR2AMXLC610636, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

8. The Contract requires monthly payments of 763.44, which amounts are due on or before the 18th of each month. The Debtor is currently in post-petition arrears to Movant in the amount of \$3,053.76.

9. The gross balance due on the Contract is \$35,465.62.

10. The N.A.D.A. value of the Vehicle is \$26,200.00, as evidenced by a copy of the N.A.D.A. report, attached hereto as **Exhibit C**. Therefore, there is minimal equity in the Vehicle.

11. Movant is entitled to relief from the automatic stay because Debtor’s failure to make post-petition payments to Movant has resulted in a lack of adequate protection being provided to Movant in the 2020 Nissan Pathfinder, VIN# 5N1DR2AMXLC610636. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Crescent Bank & Trust, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d) granting Movant relief from stay and co-debtor stay with respect to the 2020 Nissan Pathfinder, VIN# 5N1DR2AMXLC610636.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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*Counsel for Crescent Bank & Trust*

Dated: October 13, 2023